

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

RACHEL ALLEN, :

Plaintiff, :

- against - :

INSTITUTE FOR COMMUNITY LIVING, :

Defendant. :

- - - - -x

ORDER

08 Civ. 871 (DC)

**CHIN, District Judge**

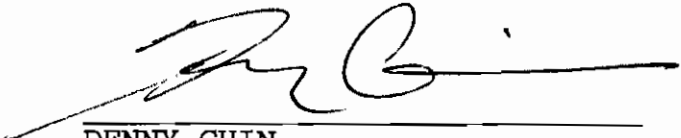
Plaintiff Rachel Allen commenced an action against defendant Institute for Community Living in the New York State Supreme Court, New York County. Defendant then removed the action to this Court on January 24, 2008.

The Court held a pre-trial conference on April 25, 2008. Defendant's counsel, George Brenlla, Esq., had left a message with plaintiff's counsel, David Segal, Esq., informing Mr. Segal of the date, time, and place of the conference. Although Mr. Brenlla appeared at the conference, Mr. Segal did not. Mr. Segal neither requested an adjournment nor communicated to the Court that he would not be able to appear at the conference. In addition, the Court learned from Mr. Brenlla that Mr. Segal (1) had not produced automatic disclosures; (2) had not responded to defendant's document requests and interrogatories, which were served on February 27; (3) did not produce a witness in response to defendant's notice of deposition; and (4) did not return several phone calls made by defendant.

IT IS HEREBY ORDERED that plaintiff show cause by May 9, 2008 as to why the case should not be dismissed with prejudice for failure to prosecute. If plaintiff does not respond by May 9, 2008, the Court will dismiss the case.

SO ORDERED.

Dated: New York, New York  
April 29, 2008

  
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DENNY CHIN  
United States District Judge